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SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY SACRAMENTO

FAIR POLITICAL PRACTICES COMMISSION,)	Case No.
a state agency,)	
)	FPPC No.: 020422
Plaintiff,)	
)	STIPULATION FOR ENTRY OF
v.)	JUDGMENT
)	
DEMOCRATIC CONGRESSIONAL)	(IN FAVOR OF PLAINTIFF AGAINST
CAMPAIGN COMMITTEE AND JANICA)	DEFENDANTS)
KYRIACOPOULOS,)	
)	UNLIMITED CIVIL ACTION
Defendants.)	

Plaintiff Fair Political Practices Commission, a state agency, by its attorneys, and Defendants Democratic Congressional Campaign Committee and Janica Kyriacopoulos, by their attorneys, enter into this stipulation to resolve all factual and legal issues pertaining to the complaint for civil penalties filed herewith.

It is stipulated by and between the parties as follows:

The complaint on file in this action was properly filed and served on Defendants Democratic Congressional Campaign Committee (the "DCCC") and Janica Kyriacopoulos ("Kyriacopoulos").

Jurisdiction of the subject matter and of the parties to this action and venue are properly in Sacramento Superior Court. The complaint states three causes of action against Defendants DCCC and Kyriacopoulos, and any defects in the complaint are expressly waived.

1 The Court will enter judgment in this action, pursuant to the stipulation, on request of Plaintiff
2 Fair Political Practices Commission (the “FPPC”) without notice to Defendants DCCC and
3 Kyriacopoulos.

4 Plaintiff FPPC and Defendants DCCC and Kyriacopoulos agree to enter into this stipulation to
5 resolve all factual and legal issues raised in this matter, and to reach a final disposition with respect to
6 Defendants, without the necessity of holding a civil trial to determine their liability.

7 Defendants DCCC and Kyriacopoulos understand, and hereby knowingly and voluntarily waive,
8 any and all procedural rights that they could have exercised if this stipulation had not been entered into,
9 including, but not limited to, their right to civil discovery, to appear personally at any civil trial held in
10 this matter, to confront and cross-examine witnesses, and to have the trial presided over by an impartial
11 judge, and heard and decided by a jury.

12 13 **ENTRY OF JUDGMENT**

14 For the violations of the Political Reform Act admitted herein, Plaintiff FPPC and Defendants
15 DCCC and Kyriacopoulos stipulate that a final judgment be issued and entered in the form of the order
16 attached hereto and made a part hereof as Exhibit “A,” against Defendants DCCC and Kyriacopoulos,
17 and in favor of Plaintiff FPPC, for a monetary penalty of Eighty Thousand Dollars (\$80,000). Payment
18 of this amount shall be made by cashier’s check, payable to the “General Fund of the State of
19 California,” upon the execution of this stipulation.

20 The final judgment may be signed by any judge of the Superior Court of the State of California,
21 for the County of Sacramento, and entered by any clerk upon application of any party without notice.

22 23 **STIPULATED STATEMENT OF LAW AND FACTS**

24 1. **THE PARTIES AND BACKGROUND INFORMATION**

25 Plaintiff FPPC is a state agency created by the Political Reform Act of 1974 (the “Act”). (Gov.
26 Code §§ 81000 - 91014.) Plaintiff FPPC has primary responsibility for the impartial, effective
27 administration and implementation of the Act. (Gov. Code § 83111.) Pursuant to Government Code
28 section 91001, subdivision (b), Plaintiff FPPC is the civil prosecutor for matters involving state election

1 campaigns, and is authorized to maintain this action under Government Code sections 91001,
2 subdivision (b), 91004, 91005 and 91005.5.

3 Defendant DCCC was, at all times relevant to this matter, a recipient committee as defined in
4 Government Code section 82013, subdivision (a). Defendant Kyriacopoulos was, at all times relevant to
5 this matter, the treasurer of Defendant DCCC.

6 2. SUMMARY OF THE CAMPAIGN REPORTING LAWS

7 An express purpose of the Act, as set forth in Government Code section 81002, subdivision (a),
8 is to ensure that the contributions and expenditures affecting election campaigns are fully and truthfully
9 disclosed to the public, so that voters may be better informed, and so that improper practices may be
10 inhibited. In furtherance of this purpose of disclosure, the Act sets forth a comprehensive campaign
11 reporting system. (Gov. Code § 84200 et seq.)

12 One feature of the campaign reporting system is found at section 84203, subdivision (a).
13 Pursuant to Government Code section 84203, subdivision (a), when a recipient committee makes a late
14 contribution, the recipient committee must file a late contribution report, disclosing the contribution,
15 with the Office of the Secretary of State within 24 hours of making the contribution. When the recipient
16 committee is also a state general purpose committee, under Government Code section 84215,
17 subdivision (a), the committee must file the late contribution report as follows: (1) the original and one
18 copy with the Secretary of State; (2) two copies with the Registrar-Recorder of the County of Los
19 Angeles; and (3) two copies with the Registrar of Voters of the City and County of San Francisco.

20 Government Code section 82036 defines a “late contribution” as a contribution aggregating
21 \$1,000 or more that is received before an election, but after the closing date of the last pre-election
22 campaign statement that is required to be filed. Under Government Code sections 82036 and 84200.7,
23 the late contribution period prior to an election is the last 16 days before the election.

24 Another feature of this system is found at Government Code section 84200, subdivision (a).
25 Government Code section 84200, subdivision (a) requires a recipient committee to file two semi-annual
26 campaign statements each year. The first semi-annual campaign statement, covering the first half of the
27 year, must be filed by July 31. The second semi-annual campaign statement, covering the second half of
28 the year, must be filed by January 31 of the following year. Under section 84215, the statement must be

1 filed with the Office of the Secretary of State, and copies must be filed at other locations as specified in
2 subdivisions (a)-(c) of that section.

3 Government Code section 84200.5 requires a committee to file two pre-election campaign
4 statements, disclosing contributions received and expenditures made before any election in which the
5 committee is engaged in campaign activity. Under section 84200.7, subdivision (b), the first pre-
6 election campaign statement prior to a November election held in an even-numbered year must cover
7 activity through September 30, and be filed by October 5. Under the same section and subdivision, the
8 second pre-election campaign statement prior to a November election held in an even-numbered year
9 must cover activity through the 17 days prior to the election, and must be filed by 12 days prior to the
10 election. In any semi-annual period in which a committee is required to file pre-election campaign
11 statements, the reporting period covered by the semi-annual campaign statement for that period is
12 shortened from six months to the period between the closing date of the last pre-election statement and
13 the end of the semi-annual period.

14 To further ensure the express purposes of the Act, Government Code section 84605, subdivision
15 (b) requires any general purpose committee, including any general purpose committee of a political
16 party as defined in section 82027.5, that cumulatively receives contributions or makes expenditures
17 totaling fifty thousand dollars (\$50,000) or more to support or oppose candidates for an elective state
18 office or state measure, to file its campaign statements and reports online or electronically with the
19 Secretary of State, beginning July 1, 2000, for every reporting period thereafter. Government Code
20 section 82027.5, in relevant part, includes within the definition of a general purpose committee any
21 recipient committee which is formed or exists primarily to support or oppose more than one candidate or
22 ballot measure.

23 3. CIVIL LIABILITY PROVISIONS

24 Government Code section 91004 provides that any person who intentionally or negligently
25 violates any of the reporting requirements of the Act shall be liable in a civil action in an amount up to
26 the amount(s) not properly reported. Persons that violate Government Code sections 84200, 84203 and
27 84605 are liable in a civil action brought pursuant to Government Code section 91004.

28 //

1 Pursuant to Government Code sections 81004, subdivision (b) and 84100, and California Code
2 of Regulations, title 2, section 18427, subdivision (a), it is the duty of a committee's treasurer to ensure
3 that the committee complies with all of the requirements of the Act concerning the receipt and
4 expenditure of funds, and the reporting of such funds. A committee's treasurer may be held jointly and
5 severally liable, along with the committee, for any reporting violations committed by the committee.
6 (Gov. Code § 91006.)

7 4. SUMMARY OF THE FACTS

8 As a recipient committee, Defendant DCCC and its treasurer, Defendant Kyriacopoulos, had a
9 duty to comply with the campaign reporting provisions of the Act, including the duty to file late
10 contribution reports as required by Government Code section 84203, subdivision (a), and semi-annual
11 campaign statements as required by section 84200, subdivision (a). Furthermore, Defendant DCCC and
12 its treasurer, Defendant Kyriacopoulos, had a duty to comply with the electronic reporting provisions of
13 the Act, regarding both the semi-annual campaign statement and the late contribution report, as required
14 by section 84605, subdivision (b).

15 A. FIRST CAUSE OF ACTION

16 In this matter, the late contribution reporting period for the November 7, 2000 general election
17 was October 22, 2000 through November 6, 2000. On October 24, 2000, Defendant DCCC made a late
18 contribution in the amount of approximately \$10,000 to the Assembly Democratic Leadership 2000
19 Committee, a controlled committee of then-Assembly Speaker Robert Hertzberg, who was a candidate
20 for election in the November 7, 2000 general election.

21 After making the \$10,000 late contribution to the Assembly Democratic Leadership 2000
22 Committee, Defendants DCCC and Kyriacopoulos had a duty to file a late contribution report no later
23 than October 25, 2000, disclosing the late contribution. Defendants did not file a late contribution report
24 disclosing the late contribution by the October 25, 2000 due date. By negligently failing to disclose a
25 \$10,000 late contribution to the Assembly Democratic Leadership 2000 Committee in a properly filed
26 late contribution report by October 25, 2000, Defendants violated Government Code section 84203,
27 subdivision (a).

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1 B. SECOND CAUSE OF ACTION

2 The second semi-annual reporting period was October 22, 2000 through December 31, 2000.
3 During the second semi-annual reporting period of October 22, 2000 through December 31, 2000,
4 Defendant DCCC received approximately one thousand six hundred forty-seven (1,647) contributions
5 totaling \$3,123,740, and used that money to make approximately twenty-seven (27) contributions to
6 various Democratic candidates and committees throughout California.

7 After Defendant DCCC received contributions and made expenditures of \$1,000 or more,
8 Defendants DCCC and Kyriacopoulos had a duty to file a semi-annual campaign statement no later than
9 January 31, 2001, disclosing the contribution and expenditure activity of Defendant DCCC during the
10 semi-annual reporting period of October 22, 2000 through December 31, 2000. Defendants negligently
11 failed to file a semi-annual campaign statement disclosing their contribution and expenditure activity by
12 the January 31, 2001 due date. By negligently failing to file a semi-annual campaign statement by
13 January 31, 2001, Defendants violated Government Code section 84200, subdivision (a).

14 Public records demonstrate that a copy of a semi-annual campaign statement for the reporting
15 period October 22, 2000 through December 31, 2000 was subsequently received by the Registrar-
16 Recorder of Los Angeles County from Defendants no later than March 23, 2001. Public records further
17 demonstrate that Defendants later filed an amended semi-annual campaign statement on April 25, 2001
18 at all required filing locations, including the locations in which Defendants failed to file an original
19 semi-annual statement as required by the Act.

20 C. THIRD CAUSE OF ACTION

21 During the second semi-annual reporting period of October 22, 2000 through December 31,
22 2000, Defendant DCCC received contributions of \$3,123,740, and made expenditures of \$3,123,740, to
23 support or oppose candidates for elective state office or state measures. As Defendant DCCC was a
24 general purpose committee that cumulatively received contributions totaling \$50,000 or more, and made
25 expenditures totaling \$50,000 or more, Defendants DCCC and Kyriacopoulos thereafter had a duty to
26 file the campaign statements of Defendant DCCC electronically with the Office of the Secretary of
27 State, in addition to filing the statements in a paper format.

1 As a consequence of Defendant DCCC having received contributions and having made
2 expenditures totaling \$50,000 or more, Defendants DCCC and Kyriacopoulos were required to disclose
3 the \$10,000 late contribution to the Assembly Democratic Leadership 2000 Committee, made on
4 October 24, 2000, in an electronically filed late contribution report, by October 25, 2000, in addition to
5 disclosing the contribution in a manually filed paper version of the report. Defendants negligently failed
6 to electronically file a late contribution report disclosing said late contribution by the October 25, 2000
7 due date. By negligently failing to disclose a \$10,000 late contribution to the Assembly Democratic
8 Leadership 2000 Committee, in an electronically filed late contribution report by October 25, 2000,
9 Defendants violated Government Code section 84605, subdivision (b).

10 As a consequence of Defendant DCCC having received contributions and having made
11 expenditures totaling \$50,000 or more, Defendants DCCC and Kyriacopoulos were required to
12 electronically file a semi-annual campaign statement by January 31, 2001, with the Office of the
13 Secretary of State, for the reporting period October 22, 2000 through December 31, 2000, in addition to
14 manually filing a paper version of the statement. Defendants negligently failed to electronically file a
15 semi-annual campaign statement by January 31, 2001, for the reporting period October 22, 2000 through
16 December 31, 2000. By negligently failing to file a semi-annual campaign statement by January 31,
17 2001, for the reporting period October 22, 2000 through December 31, 2000, Defendants violated
18 Government Code section 84605, subdivision (b).

19 20 **CONCLUSION**

21 Judgment shall be entered against Defendants Democratic Congressional Campaign Committee
22 and Janica Kyriacopoulos, and in favor of Plaintiff Fair Political Practices Commission, in the amount of
23 Eighty Thousand Dollars (\$80,000).

24 IT IS SO STIPULATED:

25
26
27 Dated: _____

Janica Kyriacopoulos, Defendant

1 Dated: _____

Democratic Congressional Campaign Committee,
Defendant

2
3 By: _____
Ann Marie Habershaw, Treasurer

4
5 Dated: _____

Robert F. Bauer, Attorney for Defendants
Perkins Coie, LLP

6
7
8 Dated: _____

Fair Political Practices Commission, Plaintiff

9 By: _____
Mark Krausse, Executive Director

10
11
12 Dated: _____

Jennie Eddy, Attorney for Plaintiff
Fair Political Practices Commission